

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR22-RLV**

**UNITED STATES OF AMERICA,)
)
)
 v.))
)
CHARLES ERNEST WALKER,))
)
 Defendant.))
)
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ORDER

THIS MATTER is before the Court on the letter, received August 26, 2009, from Defendant (document #12) to the Honorable Richard L. Voorhees requesting an inquiry into status of counsel. The Court conducted a hearing on this matter on September 3, 2009.

Having fully considered the arguments, the record, and the applicable authority, the Court finds that there is no basis for removal of counsel for Defendant, as discussed below.

Counsel for Defendant represented at the hearing that he has visited Defendant five times in jail. He believes that he and Defendant are getting along fine. He has had frequent contact with Defendant's wife, has visited the site involved in these charges and has conveyed the Government's plea offer to the Defendant. Counsel has discussed the merits of a motion to suppress with the Defendant, and will consider asking the Court for leave to file a motion.

Defendant acknowledged at the hearing that he believes his counsel is working in his favor. The Court explained to Defendant his role and his counsel's role with regard to filing motions, plea negotiations and acceptance of a plea offer.

Based on the above facts, the Court does not find that there is a basis for removal of counsel for Defendant.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the

Honorable Richard L. Voorhees.

SO ORDERED.

Signed: September 3, 2009



David S. Cayer
United States Magistrate Judge

